

# Knowing Your School

A series of briefing notes for school governors from the National Governors' Association produced in association with partners



## Governors and staff performance

## National Governors' Association

The National Governors' Association aims to improve the wellbeing of children and young people by promoting high standards in all our schools and improving the effectiveness of their governing bodies. NGA represents governors across England in both maintained schools and academies. In these notes, 'schools' includes academies.

The NGA is a membership organisation: governing bodies can join at a standard (£70 for 2012/13) or GOLD rate (£250). To join NGA and receive regular updates, visit the following website:

Website: [www.nga.org.uk](http://www.nga.org.uk)

Telephone: 0121 237 3780

Email: [membership@nga.org.uk](mailto:membership@nga.org.uk)

## Coordinators of Governor Services

COGS (Coordinators of Governor Services) is a national organisation of professionals working in local authorities, education advisers working in diocesan authorities and independent providers of governor services. There are 8 regional groups across England each represented on a national committee. COGS exists to support and enable the delivery of high quality services to governors to ensure effective governance and to provide a mechanism to ensure that governor service professionals have access to a range of professional development opportunities.

Through the work of the National Committee (NCOGS), COGS are able to influence and initiate national policy associated with governance issues; identify common themes and issues emerging from the regions and use these to inform national priorities; represent the regions in discussions with national agencies ensuring that the views of the regions are effectively reported; disseminate good practice in training, development of materials and operational practice of governor services.

The chair of NCOGS is currently Bridget Sinclair, who is the manager of the Governor Services at Swindon Local Authority: [bsinclair@swindon.gov.uk](mailto:bsinclair@swindon.gov.uk)

## Other 'Knowing your School' briefing notes:

1. RAISEonline for Governors of Primary Schools: NGA with RM education
2. RAISEonline for Governors of Secondary Schools: NGA with RM education

Getting to know your parents: NGA with Kirkland Rowell Surveys

# Governors and staff performance

## What is the governing body's role in staff performance?

The governing body is responsible for ensuring high standards of performance in the school. The performance of staff employed at the school will have an enormous effect on the learning of pupils, and therefore their achievements. If the governing body is unaware of how well members of staff are performing in their roles, it will be unable to evaluate the school's progress. If teaching is not good, the governing body needs to know to ensure actions are being taken to improve this in order to fulfil its duty. The governing body also has to manage the performance of the headteacher.

There are several reasons why governing bodies need to ensure robust staff performance development systems are in place:

- **Staff performance and development:** Being the most important lever for school improvement and therefore performance management and appraisal, it needs to be done well in order for children and young people to achieve their potential.
- **Effective self-evaluation:** Governing bodies have a statutory responsibility to conduct their schools so as to promote high standards of education; if there is no formal appraisal then the picture of the school is incomplete and it will not be possible to set an effective improvement strategy.
- **Continuous professional development (CPD) for staff:** If there is no formal appraisal process then it is difficult to determine and arrange appropriate CPD, which again will impact on the standard of education offered.
- **Good employment practice:** The governing body have a duty of care to their staff, and appraisal is part of any effective organisation's staffing procedures. All staff deserve to be managed well and, as part of this, to have an effective appraisal which is carried out properly and informs their CPD.
- **Inspection:** Ofsted inspectors will look at the correlation between performance appraisal, pay and the quality of teaching. The September 2012 Ofsted Framework has revised and increased expectations in relation to appraisal and governors' involvement in pay progression.
- **Regulation:** In local authority maintained schools, teacher appraisal is a statutory requirement. There are specific regulations that govern teacher appraisal, but not the appraisal of non-teaching staff. Although these regulations do not apply in academies and free schools, it is still good practice for a governing body to ensure there is effective staff appraisal.

## Is appraisal different from performance management?

Appraisal is one part of staff performance management or development. It is a key part of the annual cycle by which the performance of the staff of the school is assessed and developed. Most performance management/development cycles will include an annual appraisal meeting, at which the appraiser (or in the case of the headteacher, the appraisal panel) and the member of staff being appraised meet to discuss performance against the objectives set at the beginning of the year. Many cycles will also include a mid-year progress review. In this briefing note, when we refer to appraisal we mean the annual performance review meeting.

## How have expectations changed from September 2012?

New regulations for local authority maintained schools came into force from 1 September 2012 and replaced 2006 regulations – the new regulations are considerably less prescriptive than the 2006 version. It continues to be a requirement that governing bodies establish a policy for the annual appraisal of the teaching staff (including the headteacher), and in carrying out the headteacher's appraisal the governing body must have the support and assistance of an appropriate external adviser. The regulations give governing bodies a great deal of freedom to set their own appraisal policies, providing that teachers are assessed with regard to the teaching standards and that any objectives set contribute to improving the education of pupils at the school.

At the same time as issuing the new regulations the Department for Education (DfE) published a model appraisal policy that governing bodies could adopt. The trade unions have also published guidance on appraisal. Most local authorities also provided governing bodies with a version of the model policy negotiated with the teaching unions locally and in many cases encouraged governors to adopt this in place of the national model. Governing bodies are free to adopt their own policies as long as it meets the regulatory requirements.

The regulations do not apply to non-teaching staff, but as a matter of good practice, governing bodies should have an appraisal mechanism in place for non-teaching staff and can adapt the teaching appraisal policy.

Although there is no legal requirement for academies and free schools to have appraisal processes in place, it is good practice. In addition, academies are subject to the same inspection regime as other schools, which requires evidence of appraisal systems and their effect on school standards.

The Ofsted framework introduced in September 2012 includes a new emphasis on the link between the effectiveness of appraisal and the standards and progress of pupils. This has implications for headteachers and governors in preparing for inspection. Ofsted's guidance to inspectors says that they should:

- ask the headteacher about the proportion of teaching staff that has passed through to the upper pay spine;
- compare this with the overall quality of teaching;

- find out whether there is a correlation between the two, and if there is none, find out why, taking into account the length of time the headteacher has been in post;
- consider how well governors use performance management systems, including the performance management of the headteacher, to improve teaching, leadership and management.

Ofsted says an outstanding school should:

“...focus relentlessly on improving teaching and learning and provide focused professional development for all staff, especially those that are newly qualified and at an early stage of their careers. This is underpinned by highly robust performance management which encourages, challenges and supports teachers’ improvement. As a result, teaching is outstanding, or at least consistently good and improving.”

## Five questions governing bodies should ask:

1. How effectively are the staff appraised?
2. How effectively do we appraise the headteacher?
3. What should our pay policy say about performance and progression?
4. What is the correlation between appraisal outcomes, pay and the quality of teaching and learning?
5. How effective is Continuous Professional Development in improving teaching and learning?

### Question 1: How effectively are the staff appraised?

Appraisal of staff (other than the headteacher) is an operational issue and not one the governing body should be directly involved in. However, the governing body do need and have a right to know about the quality of teaching in the school and this includes information about the performance of staff, such as the outcomes of staff appraisal. In addition, the governing body (even if it has delegated the responsibility) is ultimately responsible for pay decisions and, therefore, should receive a report on the pay implications of the appraisal reviews (see question 4).

Of course the process must be treated with confidentiality. However, the desire for confidentiality does not override the need for the headteacher and governing body to quality-assure the operation and effectiveness of the appraisal system. Ofsted expects to see “anonymised information on the performance management of teaching staff and its relationship to salary progression provided to those responsible for the governance of the school.” By anonymised, we believe that to mean that any summary of performance against objectives given to governors will not name specific members of staff. However, in many cases it may be possible for governors to identify who those members of staff are, especially in smaller schools or departments. **Any such information must be treated confidentially** and not disclosed outside the meeting at which it was discussed. Staff governors in LA maintained schools are excluded by regulation from taking part in any discussion by

governors relating to the performance or pay of another member of staff, but not from the discussion of 'anonymised' performance reports to the governing body.

The school needs to decide exactly what format that information takes. Some schools are choosing to report all objectives to the governing body as well as the number of objectives staff actually met (i.e. teacher A met all his/her objectives, teacher B met three objectives and partially met two and teacher C met only one of his/her objectives). If you are not receiving the objectives themselves, you will need to have other ways of understanding in what areas there is underperformance. This could take the form of summary comments by the headteacher.

Governors also need to be assured that all members of middle and senior managers who act as appraisers have been appropriately coached or trained to do so.

Both appraisers and those being appraised need to be familiar with the SMART acronym: objectives should be specific, measurable, achievable, relevant and time-related. Reference to the national teachers' standards is obligatory, and reference to school priorities could be helpful. Even with SMART objectives, appraisers have to make judgements as to the extent to which objectives have been met, and those judgements should be as objective as possible, based on evidence available.

## Question 2: How effectively do we appraise the headteacher?

An outstanding school focussed on and successful in improving outcomes for children and young people needs to be led by an effective headteacher. Therefore, good performance management and development of the headteacher, including effective appraisal, is an important part of the governing body's drive for school improvement.

Regulations require governing bodies of local authority maintained schools to appoint an external reviewer to support and advise them in the appraisal of the headteacher. This appointment should be confirmed each year at a full governing body meeting and should not be delegated to the headteacher to decide. Academies are free to determine their own processes; it will be for each academy to determine whether the relevant people have the skills and experience to carry out the principal's appraisal without an external adviser.

The headteacher's appraisal is usually delegated to two or three review governors; this panel must be appointed at a governing body meeting. The skills and experience of the panel should be carefully considered, for example, do any governors have senior management roles in their own working life in which they have experience of appraising staff? It is usual practice for staff to be appraised by a line-manager who has an understanding of the individual's performance; and as the chair is the governor who will know the most about the performance of the headteacher on a week-to-week basis, unless there are exceptional circumstances, the chair should be part of the appraisal panel.

It is essential that those undertaking the appraisal have received appropriate training, and for those who have professional experience of appraisal, this may take the form of coaching from the external adviser to introduce any aspects which may be particular to schools.

The headteacher's objectives are set by the appraisal panel after consultation with the external adviser and discussion with the headteacher. This discussion can be pivotal in ensuring the headteacher understands the expectation of the governing body. The objectives will, if achieved, contribute to the school's plans for improving the school's education and therefore are likely to correlate with the priorities identified in the School Development Plan.

The panel must discuss with the headteacher the progress against the previous year's objectives; this may require a courageous conversation which governors must not shy away from but carry out constructively. The appraisal panel also makes a recommendation on pay to the Pay Committee (see question 3).

It is a matter for the governing body to determine whether the headteacher's objectives, and performance against them, will be shared with the whole governing body (apart from staff governors) or remain confidential to the review panel. If this information remains confidential from the rest of the governing body, the governing body as a whole does need to be assured the appraisal process is robust (see question 4). One way to do this may be to receive an independent summary report from the external adviser, or alternatively a governor who is not on the panel could be appointed to review the headteacher's performance management and report back to the full governing body.

Ofsted inspectors will expect to see evidence of governors performance managing the headteacher rigorously.

### Question 3: What should our pay policy say about performance and progression?

**NB:** On 5 December 2012 the School Teachers' Review Body (STRB) issued its report and recommendations on teachers' pay, which were accepted by the Secretary of State. A short consultation period will follow, but there will be some significant changes. These are unlikely to come into force until September 2013 at the earliest. In particular, the recommendations affect pay progression up the main-scale and introduce the possibility of time-limited allowances. But this briefing note is dealing with the current academic year.

In local authority maintained schools, the governing body must adopt a pay policy linked to the appraisal system, setting out the basis on which it determines teachers' pay. The pay policy sets out how all pay decisions are made, usually as part of an annual review related to appraisal outcomes, and the principles by which the governing body will exercise its discretion in pay matters. Governing bodies should keep their staffing structure under review.

The governing body must review the pay of all teachers annually. When setting the pay policy, the governing body will determine whether to delegate its responsibilities to a pay committee (made up of at least three non-staff governors). Although technically possible, it is not good practice for pay decisions to be considered by the full governing body in case of appeals against decisions. In addition to recommendation on pay awards, the headteacher's report might include key information relating to the impact of the performance management policy and teachers' training and development. The committee then take decisions regarding

the pay following consideration of the recommendations of pay reviewers and the advice of the headteacher. In the light of the December 2012 report and recommendations into teachers' pay, this will become even more important as in future there will be no automatic progression up the mainscale and all pay awards will relate to performance.

There will need to be an Appeals Committee of the governing body responsible for taking decisions on appeals against the decisions of the Pay Committee.

Local authority maintained schools must keep within the statutory provisions set out in the School Teachers' Pay and Conditions Document (STPCD), updated every year on 1 September, which sets out the basis for determining teachers' salaries and allowances. Detailed guidance on teachers' pay and conditions can be found in the Section 3 guidance which accompanies the STPCD. Many academies have chosen to use STPCD.

### How does pay relate to performance?

**Classroom teachers:** A teacher on the main pay scale progresses up through 6 scale points (M1-M6), subject to a positive appraisal. In addition, teachers may be eligible for Teaching and Learning Responsibility (TLR1 and TLR2) points. Governing bodies determine the overall number of TLR payments available in the school and the levels and values of those payments. The headteacher may recommend to governors to allocate additional pay scale points for relevant teaching and non-teaching experience and "excellent" performance.

Teachers with responsibility for Special Educational Needs (SEN) may be eligible for a range of SEN allowances determined by the governing body within a set range.

When a teacher reaches the top of the main scale, s/he may then be eligible to pass through the "threshold" to an upper pay scale (UPS1-3). In order to obtain UPS1, teachers on point M6 must apply for a 'performance threshold assessment.' Teachers currently on M4, M5 or M6 who intend to apply for threshold assessment, must, through professional dialogue with their relevant reviewers, ensure that the performance management objectives will provide evidence that post threshold standards have been met in the preceding 2 years to enable them to successfully move to UPS1.

Progression onto further points of the UPS should normally be considered every two years. For a teacher to progress, his or her achievements and contribution to the current school must have been 'substantial and sustained,' based on two successful consecutive appraisals and s/he should have "continued to meet threshold standards and grown professionally by developing their teaching expertise post threshold."

**Leadership teachers:** Leadership teachers (headteachers, deputy or assistant headteachers) are paid on a 43 point pay spine. Governing bodies determine the number of leadership posts in schools. Headteachers are paid on a seven point Individual School Range (ISR) on the leadership pay spine, which is linked to the group size of the school, based on the numbers on roll, while deputy and assistant headteachers are paid on five point pay ranges. Progression depends on exactly the same factors as on the UPS: "sustained high quality performance." It is not an automatic right. Judgements must be properly rooted in evidence and be made having regard to the most recent appraisals or reviews. In exceptional circumstances (e.g. where a headteacher is appointed temporary headteacher of one or more additional schools) the governing body can make an additional



discretionary payment that must not be more than 25% of his/her current point on the leadership pay spine.

In addition, governors may award a two point pay rise in recognition of exceptional performance. Clearly, teachers/leaders will have to have achieved something beyond the normal job description and national standards. This could be taking the school out of 'special measures' in less than 12 months, for example, or improving progress and attainment substantially more than other schools. One key challenge is to identify the specific contribution the school leader/teacher made to the outcome, since most improvements result from team effort. Governors need to be forensic and relentless in their testing out of the evidence.

## **Question 4: What is the correlation between the quality of teaching and learning, appraisal outcomes, and pay in our school?**

Governors are obliged to ensure rigour in relation to teachers' pay. There should be a very close relationship between school performance trends, staff performance objectives and appraisal outcomes, and teacher and headteacher pay increases.

As part of the inspection process, Ofsted inspectors now assess governors' understanding of how their school makes decisions about teachers' salary progression, and will judge "the robustness of performance management...demonstrated through...a strong link between performance management and appraisal and salary progression." Governors can evaluate the effectiveness of performance management throughout the school by monitoring the correlation between the quality of teaching, pupil outcomes and other priority indicators with appraisal outcomes and teachers' (and headteachers') salary progression.

To do this, the governing body clearly needs to understand the school's performance and the outcomes for pupils:

- What standards and progression rates are being achieved currently throughout the school?
- What does the three year trend look like (are outcomes staying level, improving or getting worse, year on year)?
- How good is teaching throughout the school?

For more detail on these, see other *Knowing your School* briefing notes.

Second, we need to compare the school level information with the percentage of objectives met at appraisal and make some initial hypotheses:

- If standards are falling but most appraisal objectives have been met, it suggests that appraisal is insufficiently robust
- If standards are staying level and appraisal objectives have all been met, it may suggest that objectives are not sufficiently stretching

- If standards are staying level and appraisal objectives are not generally being met, it may be indicative of problems to come, possibly some objectives are unrealistic or that staff development is not having the required effect
- If standards are rising and appraisal objectives have been met, it suggests that appraisal is probably sufficiently robust

Further questions can be asked:

- Are the objectives sufficiently demanding and precise enough to mean something?
- To what extent do the objectives correlate with the schools' key priorities?
- To what extent are the objectives themselves related to improved pupil outcomes or the quality of teaching?

This review may lead to the headteacher and leadership team being asked to improve the precision and ambition of the appraisal objectives set for the teaching staff and/or the continuous professional development offered to staff (see question 5).

## **Question 5: How effective is Continuous Professional Development (CPD) in improving teaching and learning?**

As well as evaluating staff performance against objectives, appraisal discussions must also consider the CPD needs of staff. Governors must make sure there are adequate resources devoted to CPD at the school. When setting the budget, governors may want to request benchmarking information to ascertain what is an acceptable level of investment.

Having allocated the budget, the impact of the expenditure on CPD needs to be assessed and reported. This should be part of an annual report from the headteacher to the relevant committee or full governing body.